

Contact: Aimee Clayton

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1, 2012 – JUNE 30, 2012

Action Requested: Receive the semi-annual claims activity reports for the period of January 1, 2012 through June 30, 2012.

Executive Summary: The semi-annual claims activity reports are designed to address eight categories of pending claims:

- (1) Lawsuits;
- (2) Tort and contract claims not yet lawsuits;
- (3) Complaints filed with administrative agencies other than workers' compensation claims;
- (4) Workers' compensation claims;
- (5) Internal discrimination complaints/investigations;
- (6) Faculty and Professional and Scientific (P&S) grievances and disciplinary measures;
- (7) Internal grievances/claims/investigations of contract-covered staff; and
- (8) Other matters which may be unique to the institution.

The institutions and the Board Office have submitted reports for each category and have prepared executive summaries highlighting significant issues, trends, areas for improvement, and initiatives to address the identified problem areas. The executive summaries submitted by the institutions are attached to this memorandum.

Office of the Board of Regents, State of Iowa

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Board Office for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	0	0	0	0	2	2	3
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	0	0	0	0	0	0	0
5. Internal Discrimination	0	0	0	0	0	0	0
6. Faculty and P&S	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: Three lawsuits were pending during this reporting period. One lawsuit involves a challenge of the Board's decision to close Price Laboratory School. District Court ruled in favor of the Board of Regents, and the plaintiffs filed a motion for rehearing and expanded findings. The second case involves the removal of a project labor agreement from certain portions of the Iowa River Landing project. The case was resolved in the Board of Regent's favor on a motion to dismiss. The plaintiffs filed a motion to alter or amend judgment in United States District Court. The final case involves an appeal from final agency action filed pursuant to Iowa Code Chapter 17A. The case was dismissed and plaintiff's motion for enlargement of findings was denied.

University of Iowa

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Iowa for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	11	12	16	20	16	25	25
2. Contract & Tort Claims	14	6	9	17	2	7	10
3. Administrative Agencies	16	20	11	15	15	12	15
4. Workers' Compensation	721	687	632	690	661	687	712
5. Internal EOD Office Complaints	15	17	12	15	9	16	13
6. Faculty and P&S Grievances & Discipline	2	4	4	7	4	8	6
7. Merit Grievances and GRIP/Arbitration	1	4	1	2	1	6	8
8. UIHC Tort Claims	33	33	39	38	33	21	15
9. UIHC Lawsuits	28	24	22	25	28	29	26

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period seven lawsuits were settled, dismissed or adjudicated. There are twenty-five active lawsuits. Two are collection matters, one is a declaratory judgment action on an insurance policy, two involve Chapter 573 construction claims, and four are new suits. No significant trends have been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Three pending claims were settled and five new tort claims were filed during this reporting period. No significant trends have been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Four administrative claims were resolved and seven new claims were filed during this reporting period. No significant trends have been identified.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims is slightly higher than the prior reporting period. No trends have been identified.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The number of complaints is slightly lower than the prior reporting period. No trends have been identified.

6. Faculty and P&S Grievances

Developments, Trends and Reasons for Occurrence: There are four active grievances, including one complaint the University has filed against a faculty member. No trends have been identified.

7. Merit Grievances and GRIP/Arbitration

Developments, Trends and Reasons for Occurrence: There were six GRIP cases during this reporting period. No significant trend has been identified.

8. UIHC Tort Claims¹

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims* that were pending at any one time during the period of January – June 2012. During this period, twenty-nine tort claims were denied, withdrawn or settled and will be deleted from the next report. Five of these tort claims have been filed as lawsuits and are also listed in that section of the report. Eight new tort claims were filed during this reporting period. As of June 30, 2012, there are fifteen pending tort claims.

9. UIHC Lawsuits

Developments, Trends and Reasons for Occurrence: This report also includes a listing of all lawsuits that were pending at any one time during the period of January – June 2012. Eight lawsuits were dismissed, settled or otherwise adjudicated and will be deleted from the next report. Five new lawsuits were filed during this reporting period. As of June 30, 2012, there are twenty-six pending lawsuits.

¹ Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. During this reporting period, three (3) 28E Agreement tort claims were settled directly by UIHC.

Iowa State University

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to Iowa State University for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	11	10	10	8	11	8	9
2. Contract and Tort Claims	18	16	19	13	13	20	21
3. Administrative Agencies	9	1	2	5	6	5	4
4. Workers' Compensation	266	238	292	222	249	253	188
5. Internal Discrimination Complaints	1	1	0	0	3	4	1
6. Faculty and P&S Grievances & Discipline	13	11	10	10	6	4	10
7. Merit Grievances	10	5	5	9	13	20	18

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, one suit involving veterinary malpractice was filed and one veterinary malpractice case was dismissed. The University received an adverse ruling in *Smith v. Board of Regents*, which has been appealed. The University received favorable rulings in two other cases, *Dobratz v. Krier* and *Clark v Iowa State University*. These rulings were appealed with further review denied in both cases.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Tort claims were significantly down compared to the immediately prior reporting period and a number of small claims were resolved. A large number of 573 claims are pending, most resulting from the delayed completion of the recreation services project.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: One discrimination complaint was filed during this reporting period. One complaint was dismissed and another was administratively closed.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: Workers' compensation claims, days missed and payments for claims have significantly decreased when compared to prior reporting periods.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: One formal discrimination complaint was filed during this reporting period. This complaint was closed with a finding of no discrimination.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: Four faculty grievances were filed during this reporting period. Two complaints were resolved and two are pending before the Faculty Senate Committee on Appeals. The remaining claims deal with denial of tenure and promotion.

Four faculty conduct cases remain pending, three of which were filed during this reporting period. Two of these cases involve allegations against the same faculty member. One case was appealed to the Board of Regents, with the Executive Director denying review, and one case was resolved through mediation.

The P&S grievance pending during the last reporting period was resolved in favor of the employee. One newly filed appeal of a performance evaluation is under review.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Each of the thirteen merit grievances pending during the last reporting period has been resolved. Five merit grievances were filed during this reporting period, each involving disciplinary action. Four cases are scheduled for hearing and one case was denied.

University of Northern Iowa

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Northern Iowa for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	11	10	9	9	8	6	5
2. Tort and Contract Claims	7	8	13	9	8	2	3
3. Administrative Agencies	3	3	5	3	4	5	4
4. Workers' Compensation	68	70	102	87	90	62	80
5. Internal Discrimination Complaints	4	6	6	4	4	4	5
6. Faculty & P&S Grievances & Discipline	2	1	5	3	6	13	23
7. Merit Grievances	8	10	6	9	8	5	10
8. Other	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits has remained fairly constant over reporting periods, with a slight decrease in the recent to reports. The cases are in various stages of the litigation process. No trends are readily apparent.

2. Tort and Contract Claims

Developments, Trends and Reasons for Occurrence: The number of tort claims during this reporting period is comparable to the previous reporting period, but remains lower than prior reporting periods. No trends are readily apparent.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: One claim was filed during this reporting period, and the number remains consistent with prior reporting periods.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: There was an increase in the number of workers' compensation claims filed during this reporting period. There are no readily apparent trends in this category. The University will continue to review this data.

5. Internal Discrimination Complaints/Investigations

Developments, Trends and Reasons for Occurrence: The number of complaints reflected in this category is similar to prior reporting periods. Four new complaints were filed and three cases were closed.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: The number of cases in this category increased when compared to prior reporting periods. Some of the grievances filed involve similar issues, many concerning budget and program processes implemented during the spring of 2012. The University continues to work to address these issues.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances increased during this reporting period. Five of the grievances involve the same issue. This issue was resolved during this reporting period. The grievances do not reflect any trends.

Iowa Braille and Sight Saving School

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa Braille and Sight Saving School for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	2	7	1	2	3	8	6
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	4	0

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: Six workers' compensation claims were filed during this reporting period. There was no lost time for any of these claims. No trends are readily identifiable.

Iowa School for the Deaf

Executive Summary: The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa School for the Deaf for the January 1, 2012 through June 30, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/09	12/09	06/10	12/10	06/11	12/11	06/12
1. Litigation	0	1	2	2	1	1	1
2. Contract and Tort Claims	1	0	0	0	0	0	0
3. Administrative Agencies	1	1	2	1	1	0	0
4. Workers' Compensation	3	2	7	5	6	4	3
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: One lawsuit was pending during this reporting period. Trial is scheduled for August 8, 2012.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Three workers' compensation claims were filed during this reporting period. Two of these claims resulted in time missed from work. One contested claim was settled. Workers' compensation claims continue to be low at the Iowa School for the Deaf.